

REMARKS

I. INTRODUCTION

The Office Action dated June 26, 2008, has been carefully considered. The following remarks are being submitted in response thereto. This paper is believed to be a complete response to the Office Action.

II. STATUS OF THE CLAIMS

Claims 1-22 were originally submitted for examination and are all currently pending in the application. Claims 23-31 have been added to augment claim coverage.

III. SUMMARY OF THE OFFICE ACTION

In the Office Action, the drawings and specification were objected to; claims 1-13 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; claims 1-22 were objected to; and claims 1-22 were rejected under 35 U.S.C. § 103(a) over *Pelletier et al* in view of *Lang et al*.

V. OBJECTIONS

The Applicants respectfully submit that the present Amendment overcomes the objections to the drawings, specification, and claims.

IV. THE REJECTIONS OF THE CLAIMS

A. Rejection under 35 U.S.C. § 101

The Applicants respectfully submit that the claims as amended are directed to a statutory invention under 35 U.S.C. § 101. Claims 1-13 were rejected on the ground that “they do not produce a useful, concrete, and tangible result.” In response, the Applicants respectfully submit

that the “useful, concrete, and tangible result” test for statutory subject matter is no longer good law in light of *In re Bilski*, 88 U.S.P.Q.2d 1385, 1394-5 (Fed. Cir. 2008). Instead, the proper test is the “machine-or-transformation” test. *Id.* Since the subject matter of amended claims 1-13 and of the newly added claims is plainly tied to a specific machine, namely, a processor, the Applicants respectfully submit that the present claimed invention is statutory and therefore respectfully request that the rejection under 35 U.S.C. § 101 be reconsidered and withdrawn.

B. The rejection under 35 U.S.C. § 103(a)

Claims 1-22 were rejected under 35 U.S.C. § 103(a) over *Pelletier et al* in view of *Lang et al*. In response, the Applicants respectfully submit that the present claimed invention would not have been obvious over the applied combination of references.

The present claims recite limitations directed to automatically subdividing the structure into the load-bearing subdivisions and the non-load-bearing subdivisions by (i) constructing a model of the structure; (ii) determining a region in the model in which the load-bearing subdivisions should be located; (iii) identifying candidate voxels for the load-bearing subdivisions in the image data; (iv) defining the load-bearing subdivisions as sets of the candidate voxels located in the region determined in step (c)(ii); and (v) defining the non-load-bearing subdivisions as subdivisions other than the load-bearing subdivisions. Those operations are not taught or suggested by the applied references, whether considered separately or combined. Therefore, the Applicants respectfully submit that the applied combination of references would not have taught, suggested, resulted in, or in any other way rendered obvious the present claimed invention.

Finally, the newly added claims depart further from the applied prior art in that they recite additional details, such that the invention as a whole as claimed in each of the new claims would not have been obvious over the combination of references asserted in the Office Action.

Reconsideration and withdrawal of the rejections and objections of the claims is requested.

VI. CONCLUSION

The application is believed to be in condition for allowance. A notice of allowance as to claims 1-31 is respectfully requested.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (116741-00214). It is respectfully submitted that no Petition for Extension of Time is required to accompany the present submission. However, in the event that a separate Petition for an Extension of Time is required to render this submission timely and either does not accompany this submission or is insufficient to render this submission timely, the Applicant herewith petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

By: _____

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